

COPY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

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THE EDWARD ANDREWS GROUP, INC., :

Plaintiff, : 07 Civ. 4607

-against- : (LTS) (AJP)

ADDRESSING SERVICES COMPANY, INC., :

Defendant. :

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January 16, 2008

10:18 a.m.

Deposition of **TIMOTHY BROG**, taken by
Defendant, pursuant to Order, held at the offices
of Morgenstern Jacobs & Blue, LLC, 885 Third
Avenue, New York, New York, before Amy A. Rivera,
a Certified Shorthand Reporter and Notary Public
within and for the State of New York.

1 T. Brog

2 Q. Did the law firm of Robinson Brog
3 review any drafts of the consulting agreement?

4 A. I believe so.

5 Q. Who at that firm was -- was that firm
6 representing Edward Andrews Group in connection
7 with the agreement?

8 MR. BURGER: Objection to form.

9 A. I believe so. I mean, I don't know if
10 they were representing Edward Andrews Group or
11 Timothy Brog.

12 Q. Well, who's the party to the
13 consulting agreement? Is it Edward Andrews Group
14 or Timothy Brog?

15 A. The Edward Andrews Group.

16 Q. So, do you know whether the Edward
17 Andrews Group was represented?

18 A. I believe it was-- I think. I believe
19 so.

20 Q. Who was the attorney at Robinson Brog
21 providing legal advice at the time?

22 A. I believe there were several.

23 Q. Who?

24 A. One of them was my father, Evan Brog,
25 and I believe some associates. I don't -- I

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T. Brog

don't remember who. They might have been partners. I don't remember who; other lawyers at the firm.

Q. Do you know whether a search has been conducted through the files of Robinson Brog for documents that relate to the negotiation and ultimate execution of what is Brog Exhibit 8?

A. I don't believe -- I don't believe they have any documents.

Q. But do you know whether a search has been done?

A. I did not request that a search be done.

Q. Do you know whether a search has been done?

A. I do not know.

Q. And why do you think they don't have any documents?

A. Because whenever a matter gets finished, typically all drafts get either sent to me or thrown away.

Q. In this instance, were all drafts sent to you or were they thrown away?

A. I don't remember.

1 T. Brog

2 Q. Well, do you know if they were sent to
3 you?

4 A. I don't remember.

5 Q. Is there someone else who might
6 remember whether they were sent to you?

7 A. I don't -- I don't know who at
8 Robinson Brog is in charge of sending documents
9 out or sending that out of storage, so I can't
10 answer that question.

11 Q. You mentioned at least one discussion
12 with Mr. Alfano concerning this consulting
13 agreement?

14 A. It was a conference call that he was a
15 participant on.

16 Q. Aside from that one conference call,
17 did you have any other communications with
18 Mr. Alfano concerning the consulting agreement?

19 MR. BURGER: Up until the point it
20 was signed?

21 MR. FISHER: Correct.

22 A. There might have been one other call,
23 but I don't remember.

24 Q. What do you remember about that, the
25 conference call, who was on the call?